

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDEEP SINGH DHILLON, et al.,

Plaintiffs,

v.

WILLIAM EDWARDS, et al.,

Defendants.

No. 1:23-cv-00416-ADA-CDB

ORDER TO SHOW CAUSE

(ECF No. 1)

On March 21, 2023, Plaintiffs filed a complaint in the Eastern District of California alleging subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1346(b)(1). (ECF No. 1 at 5.) The Court has a sua sponte duty to confirm that it has subject matter jurisdiction over the cases on its docket. *See Allen v. Santa Clara Cnty. Corr. Peace Officers Ass'n*, 400 F. Supp. 3d 998, 1001 (E.D. Cal. 2019) (citing *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999)).

It appears that Plaintiffs assert federal question jurisdiction by alleging violations of the Fourteenth Amendment. (*See* ECF No. 1 at 16–17, 20–21.) The Fourteenth Amendment, however, does not itself provide for a private right of action; Plaintiffs must point to an appropriate statute that does. *See Azul-Pacifico, Inc. v. City of Los Angeles*, 973 F.2d 704, 705 (9th Cir. 1992); *MetroPCS Inc. v. City and Cnty. of S.F.*, No. C02-3442 PJH, 2005 WL 1692631, at \*2 (N.D. Cal. Jul. 15, 2005). If Plaintiffs intend to invoke 42 U.S.C. § 1983, they must allege state action, something that is not apparent on the face of the complaint as filed. *See West v.*

1 *Atkins*, 487 U.S. 42, 48 (1988); *Garnier v. O'Connor-Ratcliff*, 41 F.4th 1158, 1169 (9th Cir.  
2 2022). If Plaintiffs intend to invoke a different statute, they must identify it as this responsibility  
3 is not one that the Court will assume.

4 Accordingly, if Plaintiffs fail to file an amended complaint asserting the basis for subject  
5 matter jurisdiction in federal court **no later than fourteen (14) days** from the date of signature on  
6 this order, the Court will dismiss this action for lack of jurisdiction without further notice.

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9 IT IS SO ORDERED.

10 Dated: April 4, 2023

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UNITED STATES DISTRICT JUDGE